

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 12243 of Gulf Oil Corporation, pursuant to Sub-section 8207.11 of the Zoning Regulations for an area variance under Section 7106.12 (a). Specifically the applicant seeks a variance to allow structural changes to an existing non-conforming gasoline service station to an existing non-conforming use of the station in the SP District at 1231 N Street, N.W., Lot 846, Square 280.

HEARING DATE: December 15, 1976

DECISION DATE: December 22, 1976 (Executive Session)

FINDING OF FACTS:

1. The subject property is located in a SP Zoning District and is a valid Class 1 non-conforming use. The property is improved with a non-conforming gasoline service station building occupying approximately one-half of the 5,252 square foot site. This building contains three service bays used for service and repair and an office area incidental to the station use.

2. A gasoline service station is defined by Section 1202 of the Zoning Regulations as "an area of land, including any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services....."

3. The applicant intends to structurally alter the existing building so as to reduce the size of the building and provide a rear yard which does not now exist. The purpose of the alteration is to permit modernization of the service station which will be used as a gasoline only service station.

4. AMOCO is the contract owner and proposed user of the gasoline service station.

5. The non-conforming gasoline service station was established in 1937. The incidental station building is a large structure in a deteriorated condition occupying almost one-half the site having no rear yard and containing working service space for repair and servicing.

6. Approximately four to five years ago the full gasoline service station use stopped and the service station has been actively on the market for sale since then as a service station or other uses. It has been leased on a month to month basis for repair and service for automobiles, continuing part of the gasoline service station use.

7. AMOCO, as the purchaser of the site, has investigated the feasibility of continuing the service station with the existing non-conforming building. The evidence establishes that the cost of repair of the existing facilities to a useable condition would be in excess of \$85,000.00.

8. Use of the existing facilities even if repaired and modernized would be impractical and not be feasible by virtue of its size and shape. The proposed structural alteration will eliminate the service bay areas and retain only an office-manager area.

9. The Zoning Administrator has ruled that even though no enlargement of the building is contemplated, the reduction in size requires a structural alteration. Since the use is a valid non-conforming use, he has ruled that a variance is required.

10. Use of the existing structure is also burdensome because of the potential conflict with on-site traffic circulation around the pump island. The existing pump island is in close proximity to the existing building.

11. Testimony was entered into the record that there is no market in the area for additional service and repair facilities whereas there is a good market for gasoline only service. The expected gallonage is approximately 70,000 gallons per month with an estimated service per car of 12 gallons.

12. The site is located in the Shaw Urban Renewal Area. The area is now in need of revitalization and is in a general state of deterioration with some of the property being boarded up and other properties awaiting renovation and some used as parking lots.

13. A real estate expert testified that the only reasonable use of the property is a gasoline service station of the type proposed. This is based on a careful analysis of the other uses which would be permitted as a matter of right or with the Board of Zoning Adjustment's special exception approval in the applicable SP Zoning District. The testimony indicates that if this variance is not granted, the property would continue in its existing condition awaiting some feasible use in the future. He also testified that neither an SP apartment building or office building would be constructed on the site in the reasonable foreseeable future because of the size of the site.

14. Testimony by both the capital investment representative of AMOCO and the real estate expert indicated that the modernization of the existing service station would have a favorable impact on the site as well as on the neighborhood. Appearance-wise, the structural alteration would permit a smaller more attractive building with improved traffic circulation, and direct lighting beneath a canopy. The grant of the variance will remove uncertainty as to the potential use of the site. Applicant has indicated that it would meet and implement reasonable conditions imposed by the Board upon the grant of this variance.

15. The Department of Housing and Community Development of the District of Columbia imposed no objection to the application.

16. The Municipal Planning Office submitted a report in which it recommended denial of the application but also indicated that since a gasoline service station is permitted in SP District as provided in Section 4101.45 of the Zoning Regulations, "at some future date, a gasoline service station similar to that proposed by the applicant would not be inappropriate." The Municipal Planning Office report was prepared and submitted prior to the time when all the evidence was in. On cross-examination, a representative of the Municipal Planning Office indicated that the traffic circulation on the site would be improved by the grant of the variance.

17. Evidence was entered into the record that a twenty-four hour operation of the subject business would be detrimental to the neighborhood.

CONCLUSIONS OF LAW:

Based on the evidence of record the Board concludes that not to grant the relief sought herein would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property. The Board further concludes that the relief can be granted without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the zoning regulations and map. Accordingly, it is ORDERED that the application is GRANTED with the condition that the hours of operation of the station will be from 7:00 A.M. to 11:00 P.M.

VOTE: 3-0 (Richard L. Stanton, William F. McIntosh and William S. Harps to GRANT).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT, D.C.

ATTESTED BY: Arthur B. Hatton

ARTHUR B. HATTON
Executive Secretary

FINAL DATE OF ORDER: 1-31-77

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.